

Summary of Substantive Legislation Related to Aging

North Carolina General Assembly 2009 Session

Older Adult Populations in their Homes:

Session Law 2009-462 (HB 456) reorganizes Chapter 131D of the General Statutes by renaming Article 1. Adult Care Homes, and creating two Parts – Part 1. Licensing, and Part 2. Other Laws Pertaining to the Inspection and Operation of Adult Care Homes. The act incorporates within this new statutory construction, the content of S.L. 2008-166 pertaining to multiunit assisted housing with services (MAHS) fees.

Session Law 2009-145 (HB 436) exempts certain capital expenditures of more than \$2 million for renovation, replacement, or expansion of nursing homes, adult care homes, or intermediate care facilities for the mentally retarded that do not change bed capacity or add new institutional health services or health service facilities to the existing facility from certificate of need (CON) review.

Session Law 2009-451, (SB 202, Sec. 10.57) adjusts the State-County Special Assistance maximum monthly rate for residents of adult care homes by reducing the rate from \$1,231 per month per resident to \$1,182 per resident, unless adjusted by the Department of Health and Human Services. The act authorizes the Department, subject to the approval of the Centers for Medicare and Medicaid Services, to disregard a limited amount of income for individuals whose countable income exceeds the adjusted State-County Special Assistance rate and directs the Department is required to recommend rates for State-County Special Assistance and for ACH-PCS.

Session Law 2009-220 (HB 994) directs the Department of Health and Human Services to advise the Housing Authority of the City of Wilson on the requirements for registration as a multiunit assisted housing with services program and on the requirements for licensure as a home care agency to assist the authority in its efforts to help individuals age in place.

Session Law 2009- 417 (HB 1058) increases the Homestead exemption for an unmarried debtor who is 65 years of age or older and meets other statutory requirements (property was owned by the debtor as a tenant by the entirety or as a joint tenant with rights of survivorship and the former co-owner is deceased) from \$37,000 to \$60,000.

Health and Wellness of Older Adults:

Session Law 2009-100 (SB 188) directs the Department of Health and Human Services, Division of Public Health, to collaborate with a consortium of entities including (1) the Divisions of Medical Assistance and Aging and Adult Services; (2) Schools of Dentistry at UNC and East Carolina University; (3) North Carolina Dental Society; (4) current providers of special care dentistry services on ways to improve the availability of dental services for special care populations and report findings and recommendations by February 1, 2010.

Session Law 2009-225 (SB 258) authorizes the Division of Emergency Management to establish a voluntary model registry for use by counties and municipalities in identifying the location of functionally and medically fragile persons in need of assistance during a disaster.

Session Law 2009-502 (HB 1020) directs the Department of Health and Human Services to establish a cancer patient navigation pilot program to provide education and assistance with the management of cancer. The program shall employ a multidisciplinary team to identify and assist patients with access to health care, financial and legal assistance, transportation, and other supports.

Studies:

Session Law 2009-391 (HB 996) repeals a provision of the 2008 Studies Act, which required the Department of Health and Human Services to study the feasibility of operating a licensed adult care home in a public housing facility and directs the University of North Carolina Center on Poverty, Work and Opportunity to perform the study and report its results by August 1, 2010.

Session Law 2009-574 (HB 945, Part XV) authorizes the Division of Health Service Regulation and the Division of Aging and Adult Services to study the feasibility of requiring long-term care facilities to require drug tests on applicants for employment and on employees. The Department may report its findings and recommendations to the North Carolina Study Commission on Aging on or before October 1, 2010.

Session Law 2009-574 (HB 945, Part XX) authorizes the University of North Carolina Institute on Aging (Institute on Aging) to review public guardianship services and consult with the agencies and organizations interested in public guardianship services. The study also may address various issues pertaining to public guardianship services, such as funding concerns and potential sources of revenue, models of public guardianship, training of public guardians, conflicts of interest in the provision of public guardianship services, and the certification of public guardianship programs.

North Carolina Study Commission on Aging:

Session Law 2009-142 (H358) provides members of the North Carolina Study Commission on Aging may be appointed to serve a maximum of three consecutive terms.

Session Law 2009-407 (SB 195) directs the University of North Carolina Institute on Aging to assist the Division of Aging and Adult Services in its preparation for the projected population growth of older adults by (1) organizing and facilitating meetings to identify and prioritize issues for the State to address and by (2) establishing a Web site containing models of local planning efforts fostering retiree and volunteer involvement. The act directs the Institute and the Division to provide a progress report on their activities to the Governor and the Study Commission on Aging by March 1, 2010 and November 1, 2010.

Resolution 2009-26 (SJR 1106) Honors the life and memory of Vernon Malone, State Senator and Study Commission on Aging Co-chair.